

## Publication Order

The Sheriff of the City of St. Louis, by virtue of the authority vested in him by the statutes of the State of Missouri, has caused to be published this Manual of Policy, Rules and Regulations for the purpose of governing and guiding St. Louis City Deputy Sheriffs.

The Sheriff reserves the right to alter, amend, or revoke any of the provisions of this manual. The Sheriff also further reserves the right to add supplemental or new material as circumstances may require.

These regulations, orders, policy and rules are declared in effect and all St. Louis Deputy Sheriffs are required to abide by the provisions herein.

By Order of the Sheriff of the City of St. Louis



Vernon Betts  
Sheriff City of St. Louis

Published January 3, 2017

EXHIBIT  
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## STATEMENT OF POLICY

Public confidence and trust placed upon all of us in the service of the Court and the Justice System requires certain high standards of conduct.

This Manual of rules and regulations establishes the standards of conduct, discipline, and ethical practice by which all department personnel will lead their professional lives. It will serve as a guideline leading to better service provided to the citizens of the City of St. Louis.

Adherence to these regulations and mutual respect among those of us employed in the service of justice will result in a better workplace for all.

All existing department regulations are hereby repealed and this Manual of conduct, discipline, rules and regulations is hereby ordered.

The provisions of this manual shall apply prospectively only. Prior to its effective date the General Orders of the old manual shall remain in effect.

A handwritten signature in cursive script, reading "Vernon Betts".

Vernon Betts  
Sheriff City of St. Louis

Masculine pronouns used in this Manual include corresponding feminine pronouns unless otherwise indicated or qualified by the text.

The fact that this Department employs both male and female officers will be clearly set out in the Manual wherever the ordinary collective wording is inapplicable or inadequate.

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## **SECTION 1.000**

### **OFFICE OF THE SHERIFF**

The Sheriff, a duly elected official of the City of St. Louis and answerable to the electorate, is the Chief Executive Officer of the St. Louis City Sheriff's Department. He shall have authority over all Sections of the Department and all members of the Department.

Sheriff Vernon Betts was sworn in as St. Louis City Sheriff on January 1, 2017. Vernon Betts is a lifelong St. Louisan. A graduate of Beaumont High School. Vernon Betts is a former Public School teacher, a retired Ameren UE Employee and former Deputy Sheriff.

In the community Vernon is an Executive Board member of the NAACP, active in his neighborhood association, and executive Board member of the 100 Black Men and volunteers for Mathews-Dickey Boys Club.

He joined the St. Louis Sheriff's Department in 2008 as a Deputy.

The Sheriff commands the daily operation of the Department. In his absence his Chief of Staff, having the rank of Colonel, assumes the duties of the Sheriff.

As Executive Officer the Sheriff shall be responsible for the execution of established policies and procedures. He shall be responsible for the strict observance and enforcement of the rules and regulations of the Department Manual. The Sheriff shall establish rules and regulations for the discipline of the Department. He shall call staff meetings when necessary to discuss Department operations. He supports the "Open Door Policy."

The Sheriff shall have assigned to his staff such members of the Department as may be necessary, reporting directly to him. For example:

Attorneys

Chief of Staff

Internal Affairs Unit

Personal Secretary

## **SECTION 2.000**

### **ADMINISTRATIVE SECTION**

#### **2.001 SCOPE OF AUTHORITY:**

The Administrative Section, commanded by a Major of the St. Louis City Sheriff's Department, will have, upon authority of the Sheriff, full responsibility and direction for that Section. The Major shall only be subservient to the Sheriff and his appointed Chief of Staff who shall hold the rank of Colonel.

#### **2.002 SPAN OF CONTROL:**

The Administrative Section Commander will oversee the operation of the Budget Unit who is responsible for Payroll and Purchases of equipment and supplies.

The Commander will assure that the Training Unit is effectively training personnel of the Department.

He is obligated to the Sheriff to maintain all Personnel Records.

The Major will direct the daily activities of deputies assigned to Carry and Conceal Weapons Permits, Computers, Land Tax Sales and Cashiers.

#### **2.003 QUARTERMASTER:**

The Administrative Section Commander will issue all uniforms and equipment. He shall be responsible for reclaiming all uniforms and equipment from personnel terminating their employment.

### **SECTION 3.000**

#### **OPERATIONS SECTION**

##### **3.001 SCOPE OF AUTHORITY:**

The Operations Section, by authority of the Sheriff, shall be commanded by a Major of the St. Louis City Sheriff's Department. Among his other duties the Operations Commander will have the primary authority and responsibility for the operation, assignments and supervision of personnel assigned to his Command. The Major shall only be subordinate in these authorities and responsibilities to the Sheriff, and his Chief of Staff, who shall hold the rank of Colonel.

##### **3.002 SPAN OF CONTROL:**

The Operations Section shall consist of the following Units:

##### **Courtroom Unit:**

Courtrooms are located in the Civil Courts Building, the Municipal Courts Building and the Juvenile Court Building. Deputies assigned are responsible for the custody of defendants, safety of others, security of their Courtroom and protection of Judges of the Twenty Second Judicial Circuit of Missouri.

##### **Service Unit:**

This Unit is responsible for serving and executing all Summons and Writs of the Court.

##### **Office Support Unit:**

The Unit is located in the Civil Courts Building. Its assigned duties are the day to day office clerical duties, and care and custody of Service Records.

##### **Transportation and Jail Units:**

This Unit is responsible for all prisoner movements in the City; it also has responsibility for the transportation of prisoners to and from the Penal Institutions throughout the State and Country.

Hospital Security Unit:

This Unit is responsible for the care and custody of sick and injured prisoners confined to the Hospital.

Security Unit:

The Security Unit is responsible for the security of all assigned post and facilities designated by the Sheriff's Department.

Criminal Records Unit:

This Unit is located in Room M21 of the Carnahan Courts Building. It maintains and processes Criminal records, and is responsible for their care and custody.

Property Room:

This Unit is the custodian of all criminal evidence and personal property.



## **SECTION 4.000**

### **APPLICATION AND SELECTION**

#### **4.001 HIRING**

A. The Appointing Authority for the Sheriff's Department is the Sheriff.

B. Minimum Qualifications

1. All applicants for deputy sheriff must be twenty-one (21) years of age at the time of application.
2. All applicants must be a high school graduate or possess a certificate of equivalency.
3. An Applicant may not have been convicted of a felony or have an indictment or information pending against him/her. Nor may an applicant be prohibited from carrying a firearm pursuant to an order of protection currently in effect. Any order of protection currently in effect against an applicant must be disclosed by the applicant.
4. All applicants must be a resident of the City of St. Louis at the time of application or become a resident of the City of St. Louis within ninety days after completion of the applicant's probationary period.

C. The Sheriff's Department is an equal opportunity employer. It does not discriminate on the basis of race, color, ancestry, national origin, sex, sexual orientation or disability.

D. All employees of the Sheriff's Department are employees "at will" and can be discharged for any reason or for no reason, provided such discharge is not for an illegal reason.

E. Prior to hiring, all applicants must:

1. Complete an application for employment with the Sheriff's Department. Applications are available online and at the Sheriff's Office, Carnahan Courthouse, 1114 Market Street, Suite 112. Applications can be mailed, or delivered to, the Sheriff's Office.

2. Undergo testing, examination and/or evaluation in order to determine the applicant's qualifications for the position.
3. Undergo an oral interview with the Sheriff and/or his designee(s).
4. Undergo a background investigation, including a credit history check.
5. Undergo a physical abilities test. (NOT applicable for clerical or administrative staff and waivable at the discretion of the Sheriff)
6. Undergo a review by the Court.
7. Undergo a medical exam, including a drug screen once offered employment.

#### F. Probationary Period

All newly hired deputies must serve one year of probation within which they must successfully complete a training course prescribed by Missouri Law at a Police Academy that is POST certified, instruction by the Sheriff's Department that covers the Sheriff's Department's policies and procedures, and firearms training. Deputies will remain unarmed until successful completion of the firearms training. Once his/her probationary period is successfully completed, the deputy will be fully commissioned.

G. The above qualifications may be further reviewed, revised, or waived at the discretion of the Sheriff.

### **4.002 TRANSFERS - DEPUTIES AND SERGEANTS**

A. The transfer request process provided for herein is a means for personnel to express preferences for assignments and for management to be able to take into account such preferences when appropriate. The Sheriff or his/her designee(s) retain the power and responsibility for the assignment and transfer of personnel.

B. Any deputy or sergeant with at least two years of service may request a transfer by submitting a transfer request form to the Sheriff or his/her designee.

The two years of service need not be in one unit.

C. A transfer request will remain in effect for two years unless the member submits a new request or withdraws a request. A previously submitted transfer request can be withdrawn by submitting a memorandum to the Sheriff or his/her designee requesting such withdrawal.

D. Whenever a vacancy arises or staffing needs require a change in assignments, the transfer requests currently in effect will be considered in filling such vacancy or changing such assignment.

#### **4.003 PROMOTIONS - SERGEANTS AND LIEUTENANT POSITIONS**

A. Sergeant and Lieutenant positions will be filled from eligibility lists established for each such position. The Sheriff will make appointments to these positions from the eligibility lists.

B. Eligibility lists will be created utilizing a competitive testing process. This process will utilize a test or tests that may be written, oral, performance evaluations, the evaluation of training and experience of candidates, or any combination thereof as decided by the Sheriff.

C. Eligibility lists will remain in effect for a period of two years unless good cause exists to extend a list or to create a new list before the expiration of a current list.

D. Applicants must meet the minimum qualifications in order to participate in the promotional testing process. The minimum qualifications for the positions of Sergeant and Lieutenant are as follows:

##### **1. Sergeant**

a. Applicants must hold the position of Deputy II, Deputy I or Senior Deputy and must have completed five (5) years continuous service as a Deputy II, Deputy I and/or Senior Deputy with the St. Louis Sheriff's Department. The Sheriff may waive the minimum continuous service requirement if the applicant possesses comparable

law enforcement or military experience or educational background in law enforcement. Applicants seeking a waiver, must request such a waiver in their memorandum submitted in accordance with the procedures described below, describing the experience and/or education that they believe merits the waiver.

b. Applicants must not have any disciplinary suspensions or reductions in rank on their records within the previous five (5) years. Applicants must not have received any sick leave warning letters within the previous one (1) year. An applicant's complete disciplinary history will be considered during the testing process. Any applicant whose name has been posted to an eligibility list and subsequently receives a disciplinary suspension or a reduction in rank will be removed from the eligibility list and will be ineligible for promotion from said list.

c. Applicants must have successfully completed all scheduled in- service training.

d. Applicants must have achieved an overall rating of "Meets Standard" on any and all performance appraisals completed within the two (2) year period preceding the application deadline. Any applicant whose name is posted to an eligibility list and subsequently receives an overall rating of "Below Standards" on a performance appraisal, will be removed from the eligible list and be ineligible for promotion for one (1) year.

## 2. Lieutenant

a. Applicants must have completed two years of continuous service as a sergeant.

b. Applicants must not have any disciplinary suspensions or reductions in rank on their records within the previous five (5) years. An applicant's complete disciplinary history will be considered during the testing process. Any applicant whose name has been posted to an

eligibility list and subsequently receives a disciplinary suspension or a reduction in rank will be removed from the eligibility list and will be ineligible for promotion from said list.

c. Applicants must have successfully completed all scheduled in service training.

d. Applicants must have achieved an overall rating of "Meets Standard" on any and all performance appraisals completed within the two (2) year preceding the application deadline. Job performance history may also be considered during the testing process. Any Applicant whose name is posted to an eligibility list and subsequently receives an overall rating less than "Meets Standards" on a performance appraisal, will be removed from the eligible list and be ineligible for promotion for one (1) year.

E. Notices of promotional examinations will be distributed to all potential applicants.

#### F. Application Process

1. The Notice of Examination will include a deadline for applicants to apply by submitting a memorandum expressing interest in taking the examination. The deadline will be at least two weeks from the date the Notice is distributed. The deadline may be extended by the Sheriff at his/her discretion. If the deadline is extended, a Revised Notice of Examination will be distributed with the new deadline.

2. Applicants must submit a memorandum directed to the Sheriff or the designee identified in the Notice of Examination expressing interest in taking the examination. The memorandum should also explain why the applicant believes that he/she is well qualified for promotion.

3. Once the application deadline has passed, the Sheriff or his/her designee will determine whether each applicant meets the minimum qualifications.

All applicants approved to participate in the promotional examination process will be advised of the nature and time of the examination. Applicants must utilize their available leave time to participate in the examination. No compensatory time will be granted for such participation.

4. Candidates who successfully complete the examination process will be placed on the eligibility list in rank order based upon their overall exam scores. Eligibility lists will not be made available to candidates, however, each candidate will receive a letter notifying the candidate of his/her ranking on the eligibility list.

5. Vacancies will be filled from eligibility lists. Final selections will be based upon examination scores, as well as upon an interview with the Sheriff or his/her designee and the specific position to be filled. Depending upon the number of candidates on the eligibility list, only candidates whose rankings fall within a designated top percentile may be interviewed. If a candidate is within the designated top percentile to be interviewed and has been interviewed within the previous four (4) months for a vacancy, he/she may or may not be re-interviewed. All candidates who are within the designated top percentile and have not been interviewed within the previous four (4) months will be interviewed.

6. The above promotion process is subject to modification, updating or waiver at the discretion of the Sheriff.

## SECTION 5.000

### PERFORMANCE APPRAISALS:

#### 5.001 PURPOSE:

The performance appraisal is a tool to promote effective personnel management in the Sheriff's Department. It is a standardized method of providing feedback regarding an employee's performance in order to improve performance. It should be utilized to facilitate discussions between employees and their supervisors about aspects of performance that can be improved and specific ways that such improvement can be measured.

#### 5.002 THE PERFORMANCE APPRAISAL PROCESS

A. When employees will be rated - All employees of the Sheriff's Department will be rated annually during the month of their anniversary hiring date.

B. Who rates an employee - Employees will be rated by their immediate supervisor. Once completed, the performance appraisal will be reviewed by the supervisor's commander. If an employee has not been under the supervision of his/her current supervisor for the entire preceding year, such supervisor is encouraged to consult with the employee's prior supervisor.

#### C. Definitions

##### 1. Appraisal Dimensions

a. Compliance with Rules and Authority: The extent to which the employee is knowledgeable and complies with rules, regulations, statutes and ordinances and the degree to which the employee accepts and follows command decisions.

b. Quality of Work: The accurateness of the work performed and the degree to which the job is performed.

c. Productivity: The ability to complete the amount of work



expected for the position efficiently and in a timely fashion; the willingness and ability to take on tasks beyond the normal duties of the employee's position.

d. Interpersonal Skills: Displays courteous and helpful behavior toward the public and toward co-workers.

e. Knowledge of Position: The extent to which the employee is knowledgeable about his/her position and assignment within the Department.

f. Work Habits: Adherence to policies regarding attendance, punctuality, use of leave; uses time efficiently.

g. Attitude toward Work: Displays a positive and professional demeanor.

h. Appearance: Adherence to policies regarding uniform and dress; maintains a professional, well-groomed appearance.

i. Leadership: The extent to which a sergeant, lieutenant or captain accomplishes objectives and obtains results through direction and guidance of subordinates; effective delegation of responsibility; the ability to evaluate the strengths and weaknesses of subordinates, provide instruction and coaching to subordinates and recommend needed training.

j. Administrative Skills: The extent to which a sergeant, lieutenant or captain plans and organizes the direction of his/her unit to accomplish objectives; makes assignments and schedules personnel; establishes priorities.

k. Overall Performance: All aspects of the employee's work performance, including all of the individual performance dimensions and any other factors that impact performance.

2. Level of Performance:



- a. Exceeds Standards: Consistently surpasses expectations; requires no correction in the particular performance dimension.
- b. Meets Standards: Consistently and reliably meets expectations; seldom requires correction or reminders regarding rules, regulations and/or proper performance.
- c. Below Standards: Fails to consistently meet expectations; periodically or frequently requires correction or reminders regarding rules, regulations and/or proper performance.

D. Completing the Performance Appraisal

- 1. Rate the employee's performance over the entire rating period, i.e., the proceeding year. Avoid only focusing on the most recent performance.
- 2. Do not consider the employee's performance that occurred prior to the rating period.
- 3. Review all existing documentation regarding the employee's performance (e.g., commendations; complaints; awards; attendance records).
- 4. The employee should be rated based upon the expectations for his/her position. Do not be influenced by the employee's length of service.
- 5. If the employee was supervised by another supervisor during a significant part of the rating period, consult with the other supervisor, if still employed by the Department. If another supervisor provides input, such input should be notes in the comments section of the performance appraisal.
- 6. Have a clear understanding of the performance dimensions and the performance levels while rating the employee.
- 7. Raters are strongly encouraged to explain the rating of any

performance dimension that is "Below Standards" in the comment section of the performance appraisal.

E. Procedure

1. By the third day of the month, each supervising officer will receive a list of all subordinates who report directly to such supervising officer and hiring anniversary date falls during that month. Each supervising officer's commander shall receive a copy of each such lists sent to all supervising officers under the commander's command.

2. The supervising officer shall complete the performance appraisal in accordance with subsection D, above, and sign it.

3. The supervising officer shall meet and discuss the performance appraisal with the employee. The employee will be given one working day after such meeting to sign the performance appraisal and return it to his/her immediate supervisor. The employee's signature indicates review of the performance appraisal, not agreement with it. The employee may include comments in the comments section of the performance appraisal or in an attachment and may indicate any disagreement in the comments.

4. After receiving the performance appraisal from the employee, the supervising officer shall present such appraisal to his/her commanding officer who shall review it, indicate whether he/she concurs, include any comments and sign the performance appraisal. If the supervising officer's commander does not concur, such commander should explain such non-concurrence in the comments section. After signing the performance appraisal, the commander shall provide the supervising officer with a copy of the completed performance appraisal to give to the employee, along with any attachments and submit the original to the Sheriff or his designee.

5. The original completed performance appraisal must be submitted to the Sheriff or his designee by the last day of the month it is due, unless extenuating circumstances exist and he/she has submitted a memorandum to the Sheriff or his/her designee explaining such

circumstances and an extension has been approved.

6. The Sheriff will review all completed performance appraisals. In the event that the supervising officer has rated the employee "Below Standard" overall or in any dimension, the Sheriff, after reviewing the appraisal, the supervising officer's commander's comments and any comments of the employee, may decide to modify any "Below Standards" rating. If the performance appraisal is modified, the Sheriff will forward copies of the modified performance appraisal to the employee, the supervising officer and the supervisor's commanding officer. The Sheriff reserves the right to modify, waive or amend the above outlined appraisals.

## SECTION 6.000

### DRUGS, ALCOHOL, AND OTHER PROHIBITED ARTICLES

#### 6.001 POLICY:

To maintain a safe work environment, it is the policy of the St. Louis City Sheriff's Department to prohibit its employees from using, possessing, selling, distributing, or transporting any prohibited article while on the job, on Department occupied premises, or while in or aboard Department vehicles, or other premises or vehicles associated with their daily assignments. Such use, possession, sale and/or transportation of such articles by any person poses a serious threat to the safety of Department employees and visitors, and to the Departments operations, and will not be tolerated.

#### 6.002 PROHIBITED ARTICLES:

Prohibited articles include illegal and unauthorized drugs or drug paraphernalia, alcoholic beverages, or any unauthorized weapons or ammunition, contraband, and stolen property.

Illegal drugs include marijuana, narcotics, and all other drugs not prescribed by a licensed physician for use by the person possessing them.

Unauthorized drugs include excessive quantities of prescribed drugs, which may adversely influence performance or behavior.

#### 6.003 ENFORCEMENT

The Department reserves the right, without prior announcement, to have authorized personnel conduct searches and inspections of employees, employees' personal effects, lockers, baggage, vehicles, and quarters on Department property, or where assignments are carried out, for determining whether any employee is in possession of any prohibited articles.

Searches can and will be conducted at any time without prior announcement. Any prohibited articles discovered through Department searches shall be taken into custody and turned over to the proper law enforcement authorities.

Any Department employee who refuses to submit to a search or is found in possession of prohibited articles without an explanation satisfactory to the Department will not be allowed in any Courthouse, in or aboard any Department vehicle, or any other facility where duty assignments are carried out and shall be subject to disciplinary action up to and including immediate discharge.

#### 6.004 EMPLOYEE ASSISTANCE:

The serious problem of drug and alcohol abuse that affects many companies and our society must be addressed through programs offering rehabilitation, such as the Employee Assistance Program. However, prior notification must be made to the Sheriff, and the employee must voluntarily admit to an existing problem with Drugs and/or Alcohol.

#### 6.005 DRUG TESTING:

The purpose of this Section is to define the Drug Testing Program in the Sheriff's Department. It will outline who will be tested, procedures to be used, under what circumstances testing will be conducted, and other criteria dealing with the violation of Department Policy on drug and alcohol abuse.

#### 6.006 TESTING AGENT:

Any health service entity selected by the Sheriff offering full-service occupational medical services to include pre-employment physical examinations, drug and alcohol screening and medical treatment for work-related injuries.

#### 6.007 CIRCUMSTANCES LEADING TO TESTING:

All applicants shall sign a written agreement to submit to drug testing on request of the Sheriff. The test shall be conducted as a pre-employment requirement, and at random thereafter. Testing is automatic in all cases involving discharge of a weapon, a vehicular accident with a Department vehicle, or where

there is evidence of conduct deemed abnormal. The test will take place as soon as possible.

6.008 TEST FAILURE:

Any applicant failing a Drug Screening Test will be rejected.

Any applicant refusing to take a Drug Screening Test will not be considered.

Any employee failing a Drug Screening Test will be entitled to one (1) additional screening of the same sample at his/her cost. Failure of an employee to pass a Drug Screening Test will result in the termination of that employee's employment with the Department.

## **SECTION 7.000**

### **FIREARMS**

#### **7.001 PURPOSE:**

During their duties, any member of the St. Louis Sheriff's Department may be called on to use deadly force. The purpose of this Policy is to provide a single source of reference for all Department members as to authorization, carrying and discharge of firearms.

#### **7.002 POLICY:**

The use of deadly force in the defense of life, or to effect an apprehension of an escaped felon, is an act of the utmost seriousness. Justification for the use of a Deputy's firearm shall be based on the facts known to the Deputy or perceived by the Deputy at the time he/she decides to discharge their firearm.

#### **7.003 AUTHORIZED FIREARMS:**

An approved on-duty firearm is defined as:

1. Department issued firearm.
2. Personally owned firearms which has been approved by the Sheriff.
3. Semi-Automatic 9MM pistol of high quality, double action, may, upon approval of the Sheriff be carried On-Duty by members of the Department.
4. The barrel length of an approved On-Duty firearm will be four (4) inches for all uniformed Deputies.

Those approved to carry a semi-automatic weapon while On-Duty must successfully complete a semi-annual firearms qualifications as specified by the St. Louis Metropolitan Police Department range instructors. Through the academy training with the St. Louis Metropolitan Police Department or City of St. Louis

Sheriff's Office Certified Glock Instructor, deputies will receive mandatory classroom and practical firearms training.

All deputies shall safely handle firearms while performing on-duty assignments or while acting in a law enforcement capacity, in a manner consistent with St. Louis Metropolitan Police Academy training or City of St. Louis Sheriff's Office training and policy.

Deputies shall maintain their firearms in a clean, serviceable condition. This maintenance shall ONLY be performed in a safe and secure environment. Any malfunctions shall be reported immediately to the Glock Certified Armorer for repair.

This program shall include familiarization instructions by a qualified Range Officer. Qualifying with the semi-automatic weapon, on an approved target range, will be mandatory.

#### 7.004 MODIFICATIONS

A Department or personally owned service weapon will not be modified in any manner except as follows:

As long as no structural damage to the weapon is caused and no structural modification to the weapon is necessary, it will be permissible to remove the factory grips and substitute dark colored rubber or wooden grips. The grips must be designed exclusively for the weapon and fit the Deputy's hand to be compatible with proper shooting techniques as taught by the St. Louis Police Academy or the Sheriff's Department.

#### 7.005 EXCEPTIONS:

Deputies assigned to the Service Unit, or special assignments, when official duties require carrying a firearm other than those authorized above, must receive prior approval from the Sheriff to carry the firearm.



#### 7.006 AMMUNITION:

Firearms will be loaded only with Department approved ammunition that will not be modified in any way. Ammunition will be Department issued for training and/or qualifying on the target course.

#### 7.007 OFF-DUTY WEAPONS:

If a Deputy is Off-Duty, but in uniform, an approved Off-Duty firearm is defined as any On Duty approved firearm.

The carrying of a firearm while Off-Duty shall be at the option of the individual Deputy. If the Deputy elects to carry a weapon Off-Duty, it must meet requirements specified above.

#### 7.008 MANDATORY SEMI-ANNUAL QUALIFICATION:

All Deputies must qualify twice each year on the range with their approved On-Duty firearm. Failure to qualify shall result in loss of privilege to carry a firearm. The Deputy shall be required to qualify before this privilege is restored.

#### 7.009 APPROVED FIREARMS REGULATIONS:

All Deputies with the exception of those excused and exempt by direction of the Sheriff, whether in uniform or civilian clothes, shall be armed with an approved firearm at all times while on duty.

No Deputy shall carry a firearm until that employee has completed the Department's required weapons training course and has qualified with the weapon on an approved range.

Firearms carried On or Off-Duty, while the Deputy is in civilian clothes, shall be concealed from public view. A Deputy shall never display a firearm other than in the performance of his/her duty or in defense of life.

All Deputies will provide maximum security for all firearms in their custody whether that weapon be Department issued or personally owned.

#### 7.010 GUIDELINES:

The following guidelines are provided to aid Deputies who are required to discharge firearms at a fleeing felon. The discharge of a firearm is an irreversible action, and if possible, a Deputy should prior to firing make the following evaluation.

1. A Deputy should resolve in his/her mind any doubt concerning the proper use of firearms prior to firing.
2. If person is armed
3. All other methods of apprehension
4. The age of the pursued and any offenses committed
5. Direction the firearm is to be discharged
6. Use extreme caution when the possibility exists that another person or property may be hit.
7. The danger of firing while running or jumping
8. If possible, and if time and conditions permit, a Deputy should assume a Department approved firing position as taught in the Department training course.

#### 7.011 DISCHARGE OF FIREARMS:

A Deputy Sheriff is authorized to prevent an attack with a deadly weapon upon himself, a fellow Deputy, or a member of the public, by utilizing whatever force is deemed necessary including the use of firearms.

- A. A Deputy May Discharge A Firearm For Any of the Following Reasons:
  1. To defend himself or another person from death or serious physical harm.
  2. When an attempt is made through the use of a deadly weapon to free or rescue a prisoner who is in lawful custody of a Deputy.
  3. To kill a dangerous animal. (see 7.013)
- B. The Department's Internal Affairs Unit will investigate all incidents in which a Deputy discharges a firearm On or Off-Duty, with the following exceptions:

1. The planned discharge of firearms on the firing range and all forms of target practice and
2. Sporting events, to include hunting and organized shooting matches.

#### 7.012 RESTRICTIONS ON DISCHARGING FIREARMS:

A Deputy Sheriff shall not discharge his/her firearm:

1. When it appears likely that an innocent person or bystander may be hit.
2. At anyone who he/she believes may be a juvenile unless the actions of the juvenile pose a direct threat to the life of the Deputy or other innocent person, and only then as a last resort. The Deputy will be required to prove that his/her judgement in the matter of age was reasonable. (A juvenile is defined as a youth who is less than seventeen (17) years of age.)
3. At a moving vehicle or from a moving vehicle unless the occupant(s) of the vehicle represents a direct threat to the life of the Deputy or other innocent persons and then only as a last resort.
4. At a crowd of persons.
5. Warning shots are prohibited due to the possibility of injury to bystanders and the fact that the pursued may be prompted to return the fire.
6. At a person who is holding a fellow Deputy or innocent person hostage when firing would endanger the hostage or another innocent person. The proper response to a hostage situation is to immediately notify the St. Louis Police Department and the Sheriff's Department Command.

## 7.013 DESTROYING ANIMALS:

### General Guidelines

Except in emergencies, an animal will be destroyed only after all attempts to notify an agency capable of disposing of the animal have been made, and the agency will not respond or has not responded after a reasonable length of time.

If time permits, Deputies will adhere to the following steps:

1. Effect steps to insure the safety of all citizens, property and other animals by moving the animal to be destroyed to an area of relative safety and out of public view if possible. This area may be a rear yard, vacant lot, or a roadway median strip. The primary concern is that the animal be placed on the ground (rather than pavement) to decrease the possibility of ricochet.
2. Shoot the animal from close range if possible.
3. Shoot down into the animal so that the projectile, if exiting the animal's body will enter the ground.
4. Shoot the animal in the brain to minimize suffering.

EXCEPTION: If the possibility of rabies exists or the animal has bitten someone, do not shoot the animal in the brain. In these cases, the animal should be shot in the chest cavity, directly in front of either leg.

## 7.014 RESPONSIBILITY OF PERSONNEL:

Immediately following the discharge of a firearm, On or Off-Duty, it will be the responsibility of the Deputy or Deputies involved to initially notify the St. Louis Police Department, 911, then their immediate Supervisor, Command officer and the Sheriff. The immediate supervisor will immediately respond to the scene.

When a Deputy is involved and his/her immediate supervisor is unable to respond, the supervisor in charge of the Unit will respond immediately. The

Section Commander will respond and take charge of the scene until relieved by the police.

The immediate supervisor responding to the scene will be responsible to Command and protect the scene until arrival of the St. Louis Metropolitan Police Department.

#### 7.015 ST. POLICE DEPARTMENT/SHERIFF'S DEPARTMENT PROCEDURES:

The Police will determine when the Deputy involved is no longer needed at the scene. The Deputy involved will be escorted to the Police Department, accompanied by the Sheriff or someone of command rank, for further investigation by the Police Department.

A. The Unit Commander reporting to the scene will be responsible for the following:

1. Obtaining the name and address of all witnesses for investigative purposes and protecting the scene until relieved by the police.
2. The Unit Commander will remain at the scene until no longer needed.
3. When a Deputy is involved in a shooting he will remain at the scene until the investigation is complete. If the circumstances are such that the presence of Deputies at the scene may cause a hazardous situation, it will be within the discretion of the ranking Deputy at the scene, or the ranking Police Officer, to vacate the area.
4. The ranking Deputy and/or the ranking Police Officer will instruct the Deputies involved to report to a chosen location to standby for further instructions.
5. Deputies who are witnesses to an incident will remain at the scene until the investigation is complete, unless otherwise instructed.
6. Any Deputy involved in a shooting must protect his/her weapon for investigation and examination.

B. When a Deputy who has discharged his/her firearm is injured, his/her weapon will be retained in the custody of his/her immediate supervisor or Unit Commander. The Commander will relinquish custody of the firearm for examination if requested. All weapons, Department issued or personally owned, will be made available for examination.

C. When a Deputy discharges a firearm, except for reasons listed in Section 7.011 as exclusions from an Internal Affairs Unit investigation, he/she will be required to complete a Discharge of Firearms Report that will detail the circumstances of the discharge of the weapon. Any other Deputy having pertinent information regarding the discharge of the Deputy's firearm will complete a supplemental report. The supervisor will insure that a complete report is made of the firearm incident by all Deputies involved. The report will be forwarded through the chain-of-command to the Internal Affairs Unit.

D. Data pertaining to the discharge of the firearms by a Deputy shall be retained in both a Firearms File and the Deputy's Personnel File.

E. Firearm Reports will be maintained to determine if there is a need to modify Department Policy regarding firearms and/or the application of deadly force. The completed Discharge of Firearms report will be maintained by the Sheriff's Department during the entire tenure of a Deputy's employment.

#### 7.016 SUMMARY:

Every possible consideration must be taken prior to the use of a firearm. If a Deputy believes that under existing conditions he/she should not use their weapon to apprehend a felon or person who is not a direct threat to the life of the Deputy or other persons, he/she will not be criticized or disciplined for his/her decision.

#### 7.017 USE OF FORCE:

A Deputy Sheriff shall use whatever physical force is reasonable to maintain order, security, and discipline in their respective duty assignment. A Deputy Sheriff, in the performance of his/her duty, may use physical force when reasonably believing it necessary.

#### A. USE OF FORCE CONTINUUM

This directive explains the Use of Force Continuum utilized by the City of St. Louis Sheriff's Department to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force model employs a progressive and reasonable escalation and de-escalation of applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the deputy's actual presence at the scene to the application of deadly force.

The primary objective of the use of force is to ensure control of a subject with reasonable force necessary based on the totality of the circumstances. Whenever reasonable, deputies will exercise persuasion, advice, and warning prior to the use of physical force. When force is applied, a deputy will escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control.

Deputies are not required to start at the lowest levels of the Use of Force Model. They will select the appropriate level of force based on the subject's actions. Deputies will modify their level of force in relation to the amount of resistance offered by the subject. As the subject offers less resistance, the deputy will lower the amount or type of force used. As the subject increases resistance, the deputy may increase the amount or type of force used.

It is the policy of the City of St. Louis Sheriff's Department that personnel follow the Use of Force Continuum when a use of force is necessary. Failure to adhere to this policy may result in disciplinary action up to, and including, termination.

#### B. Definitions

**Deadly Force:** Any use of force, by any weapon or means, which is likely to cause death or serious bodily harm.

**Serious Bodily Harm:** Injury that could reasonably be expected to result in death, loss of limbs, or physical incapacity.



Non-Deadly Force: Any use of force other than that which is considered deadly force.

Reasonably Necessary: An action is reasonably necessary when, based on the facts and circumstances known to the deputy at the time, a reasonable deputy, without regard to underlying intent or motive, would conclude was appropriate.

Reasonable Belief: A deputy is justified in reasonably believing a fact based on the circumstance known at the time the decision was made to respond to an adversary.

#### C. Use of Force Continuum Guideline

The Use of Force Continuum is a guideline that cannot account for all factors constituting the “totality of circumstances” by which specific use of force is evaluated. The Continuum is to be used only in conjunction with the Office directives and through academy training provided by the St. Louis Sheriff’s Department.

The Use of Force Continuum is a guideline for deputies in making critical use of force decisions. Professional presence and verbal interaction are present at every level of resistance.

Both State and Federal law require that all force be reasonable. In *Graham v. Conner*, the United States Supreme Court stated, “the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue, whether he is actively resisting arrest or attempting to evade arrest by flight.” In addition, a deputy should take into account his/her abilities. In deciding which level of control a deputy should use, the deputy should reasonably believe that a lower level of control is not sufficient and a higher level of control is not reasonably necessary.



The Use of Force Continuum is not designed to be a step by step progression. Therefore, the escalation and de-escalation by the deputy or the subject may not be sequential. In circumstances where our directive conflicts with the continuum, a deputy should rely upon the directive.

#### D. Levels of Resistance

**Non-Verbal and Verbal Non-Compliance:** The subject expresses his/her intentions not to comply through verbal and non-verbal means. Statements by a subject ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and subconscious mannerisms.

**Passive Resistance:** The subject does not cooperate with deputies commands, and does not take action to prevent being taken into custody. An example of this would be a protestor who lies down in front of a doorway, and must be carried away upon arrest.

**Defensive Resistance:** Subject's engaging in defensive resistance take action to prevent being taken into custody. The goal of this action is escape, and not injury to the deputy. This action may include twisting, pulling, holding onto fixed objects, or running away.

**Action Aggression:** At this level of resistance, the subject is intent on injuring the deputy. This aggression may manifest itself through punching, kicking, biting, or pushing.

**Aggravated Active Aggression:** Aggravated Active Aggression includes actions that are likely to result in death or serious bodily injury to a deputy. These actions may include discharge of a firearm, use of a blunt or bladed weapon, and extreme physical force.

#### E. Levels of Control

**Professional Presence:** The displays of visual images of authority as well as a professional manner are present at every level of resistance. This includes all

symbols of authority including badge, office identification, uniform, and marked Sheriff vehicle.

**Verbal Dialogue and Commands:** Communication is critical to any potential use of force situation. This level of control includes any verbal requests, directions, or commands from the deputy to a subject. Verbal interaction is present at every level of resistance.

**Soft Empty Hand Control:** These techniques are not impact oriented, and include pain compliance pressure points, takedowns, joint locks, and simply grabbing onto a subject.

**Oleoresin Capsicum (OC) Spray:** OC Spray is approved for use in situations where the deputy believes that the attempts to control a subject may result in injury to the subject, deputy or others. OC Spray should be utilized according to St. Louis City Sheriff's Department training.

**Hard Empty Hand Control:** These techniques are impact oriented and include knee strikes, elbow strikes, punches and kicks. Control strikes are used to get a subject under control and include strikes to pressure points such as the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of the neck). Defensive strikes are used by a deputy to protect himself/herself from attack and may include strikes to other areas of the body including the abdomen and head.

**Conducted Energy Weapon:** The TASER device is used in situations where a subject presents an imminent physical threat to a deputy, or another person.

**Impact Weapon:** Non-deadly impact weapon strikes are targeted towards major muscle groups. The common peroneal nerve on the side of the leg is the primary target for impact weapon strikes.

**Deadly Force:** Deadly force is any manner of force that is reasonably likely to cause death or serious injury. This includes, but is not limited to, the use of a firearm, striking the head or neck area with an impact weapon, or the choking of a subject.

F. Medical Assistance

If the use of force incident of any kind results in injuries or the complaint of injuries to any person, the deputy(s) involved must summon the Police, appropriate medical personnel, and his/her supervisor. Until such time that Police or medical assistance is available, the deputy(s) should render first aid within the limits of their training and the equipment available. All medical attention, either in the field or in a medical facility, must be documented in the incident report. Copies of all certified training must be on file in the City of St. Louis Sheriff's Office personnel files.

G. Documentation and Review

In every incident involving the use of force, whether deadly or non-deadly, the deputy(s) involved will prepare a complete detailed incident report. This report will provide detailed information about the incident including the level and type of force used and the reasons for the application of force. Injuries to either deputies or others will be described completely.

Any injuries to involved persons other than the deputies, including self-inflicted wounds, which occurred prior to the deputy's arrival, will be fully described and documented in the narrative of the deputies incident report.

In every incident involving deadly or non-deadly use of force, a supervisor will be notified to respond to the scene along with the deputy's supervisor.

When a deputy's use of force causes death or serious bodily harm, the deputy will be temporarily reassigned to administrative duty pending the outcome of the investigation by the St. Louis Metropolitan Police Department. The involved deputy will have access to the City of St. Louis Employee Assistance Program where they can seek confidential counseling or assistance from professionals involved in the program.

During an Administrative Review, all use of force reports, deadly and non-deadly will be examined by the Internal Affairs Unit to determine whether this policy or other rules or procedures were violated.

All findings of policy violation will be referred to the Sheriff with recommendation for discipline up to and including termination. Inadequacies in the structure or content of the policy will be modified as needed

#### 7.018 DEPUTIES INVOLVED IN HOMICIDE:

The policy outlined hereafter is not intended to, nor does it imply or indicate, that a Deputy has acted improperly.

- A. The Deputy shall notify the Sheriff as soon as possible.
- B. When a Deputy, on or off-duty, kills a person, he/she will be responsible to a cooperative with the St. Louis Police Department. The Sheriff and the Internal Affairs Unit Commander will conduct a thorough and objective investigation of the facts and circumstances as soon as possible.
- C. The Internal investigation will be separate and apart from any investigation conducted by the St. Louis Metropolitan Police Department.
- D. The Deputy involved in the homicide may be placed on Administrative Leave by the Sheriff, with or without pay or benefits, pending the results of the preliminary investigation.
- E. The Deputy shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to duty at any time. At no time will a Deputy make unauthorized statements to the news media.
- F. The Deputy shall not discuss the case with anyone except the Sheriff, Investigators from the St. Louis Police Department, the Circuit Attorney's Office, the Sheriff's Department Legal Counsel, and his/her personal attorney. After a decision has been made by the Office of the Circuit Attorney relative to the homicide, the Sheriff will:

G. Suspend the Deputy without pay if criminal charges are filed, and may reinstate the Deputy to active duty if the homicide is determined to be justified, except, in those situations where pending Internal Department charges require the Deputy to be under Suspension.

## **SECTION 8.000**

### **INAPPROPRIATE WORKPLACE DEMEANOR**

#### **8.001 PURPOSE:**

The use of racial, ethnic, or sexist slurs, jokes, comments or cartoons are strictly prohibited. The creation of a racially, ethnic or sexually hostile environment by either a Supervisor or a Deputy is prohibited and against Department policy and regulations. Violation of this regulation, proven through investigation, can result in discipline up to and including dismissal.

#### **8.002 POLICY:**

The Sheriff's Department prohibits sexual harassment of its employees in any form. Engaging in such conduct can result in disciplinary action up to and including dismissal.

Specifically, no supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

Other sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited. This includes, but is not necessarily limited to: repeated, offensive sexual flirtations, advances, propositions, continual or repeated verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and the display in the workplace of sexually suggestive objects or pictures.

Employees are informed that if they experience any type of harassment or discrimination they should report it to the Sheriff and the Internal Affairs Office. They also will be informed of their right to file charges directly with a federal, state or local agency.

The Sheriff's Department guidelines are as follows:

Supervisors should discuss any concerns with an employee who feels that he/she is the victim of discrimination. The Supervisor will then contact the Sheriff and the Office of Internal Affairs.

The Department will ensure that discrimination complaints are resolved.

All action taken to resolve complaints through internal reviews are conducted in the strictest confidence.

Department personnel will not make adverse comments or threats to an employee who files a complaint.

No individual shall be intimidated, threatened, coerced or discriminated against for filing a complaint, furnishing information or for participating in any manner in an investigation, compliance review, hearing or any other activity related to the administration of the laws and regulations to employ and advance employees.

#### 8.003 ALTERNATIVE COMPLAINT PROCEDURES:

Victims of what they believe is sexual harassment may elect to complain to their immediate supervisor if they feel that the problem can be abated by supervisory action. In these instances the supervisor will take immediate action to see that the harassing conduct, if any, is stopped. The supervisor will document the complaint by having an "Allegation of Employee Misconduct" report filled out by the victim and forwarded to the Sheriff for review and, as appropriate, investigation.

Complaints against supervisors will be processed in accordance with established complaint and disciplinary procedures.

## **SECTION 9.000**

### **SECONDARY EMPLOYMENT**

#### **9.001 PURPOSE:**

The purpose of this section is to establish regulations and procedures governing secondary employment privileges for Department personnel.

The regulation of secondary employment is necessary to maintain an efficient organization that is mentally and physically ready to work in furtherance of the Department's primary objective of serving the 22nd Judicial Circuit.

The preservation of public order and safety is of prime importance. This regulation is designed to prevent potential conflicts of interest and loss of public confidence in the Department because of the type of employment engaged in by Department Personnel.

#### **9.002 DEFINITION:**

Secondary Employment shall be defined as any and all employment engaged in by Department personnel during off-duty hours, holidays, vacations and/or recreation periods with any employer other than the St. Louis Sheriff's Department, including a self-employed business.

#### **9.003 CONFLICT OF INTEREST:**

This term means any actual or potential difference in interest between a Deputy's personal interest or that of his/her secondary employer and the duty and allegiance owed to the Sheriff's Department and the public.

#### **9.004 APPLICATION PROCEDURE:**

Prior to engaging in any Secondary Employment or Business, an employee shall complete the Request/Permit for Secondary Employment.



The information on the application shall be complete and accurate as rendered by the applicant and submitted to the Sheriff, or his designee, who shall review and approve or deny the request.

The decision by the Sheriff to approve or disapprove the request for Secondary Employment is final. A reason for denial will be provided to the employee applicant.

Upon approval of the Request/Permit for Secondary Employment, the employee will receive a copy of the form which will serve as authorization to work. Secondary Employment should not begin prior to signed approval by the Sheriff.

The Request/Permit for Secondary Employment is subject to review on a regular basis and can be cancelled by the Sheriff.

#### 9.005 DEPARTMENT RESPONSIBILITIES:

In all cases of Secondary Employment, the primary obligation of Department employee is to the Sheriff's Department. While on Recreation, should a Deputy's service be required, his primary obligation is to the Department.

#### 9.006 RESTRICTIONS ON SECONDARY EMPLOYMENT:

No Secondary Employment shall take place:

1. At any location or at any employment which might possibly tend to bring the Department into disrepute or reduce the Deputy's efficiency or usefulness as a Department employee;
2. In any employment requiring affiliation, membership, or allegiance tending to influence the Deputy's conduct in a manner inconsistent with the proper discharge of his/her duties as a Deputy Sheriff, or with loyalty to the Department or in the public interest;
3. On investigative or other work in which the employee may avail himself/herself to Police information, records, files or correspondence as a private investigator, private detective, or in any other capacity

- where the primary purpose of such employee is to provide information for, or appear as a witness in a civil or criminal action; or
4. For a business or company that is “on strike,”

At no time will the uniform of the St. Louis Sheriff’s Department be worn in secondary employment unless authorized by the Sheriff.

#### 9.007 PROHIBITION OF SECONDARY EMPLOYMENT:

Secondary employment is prohibited during those hours when a Department employee is being paid by the City of St. Louis including the following:

Sick Days

Scheduled Duty Hours

All employees shall comply with Federal, State, and local guidelines for reporting of income from Secondary Employment for Income and Earnings Tax purposes.

## **SECTION 10.000**

### **UNIFORMS AND EQUIPMENT**

#### **10.001 PURPOSE:**

These regulations prescribe the proper uniform, insignias, ornamentation, accessories and occasions for wearing of the uniform by Deputies of the Sheriff's Department on authorization by the Sheriff. Such items will be surrendered by members of the Department upon termination from service. Only items prescribed herein, and uniforms approved by the Sheriff, or as issued will be worn. Deputies who wear the uniform, will be held responsible for conformity to regulations.

#### **10.002 POLICY:**

Members of the Sheriff's Department, attired in the uniform, except Deputies otherwise directed by the Sheriff, shall wear the entire proper uniform. The component parts of the Sheriff's uniform shall be inseparable and indivisible.

Every Deputy will present a well attired appearance. Uniforms will be kept clean and pressed. Brass items and leather equipment will be polished. Deputies will not paint or coat leather equipment with any substance.

#### **10.003 INITIAL EQUIPMENT ISSUE:**

The Commander of Administration shall issue the following items of wearing apparel, when in supply: One dark brown necktie, two long sleeve shirts, two short sleeve shirts, one brown nylon winter coat, one uniform hat, one pair of handcuffs with key, one regulation black holster, two pairs of trousers, one metallic name tag, badges, Identification Card and Manual.

It will be within the discretion of the Deputy to wear or not wear the hat/cap. Each incident reported of lost, stolen or misplaced Department property, assigned to a Deputy, will be investigated. If a determination is made that the Deputy was negligent they shall defray the expense of replacing the item.

No member of the Department shall permit his/her badge, cap piece or other distinctive insignia of the St. Louis Sheriff's Department to be reproduced or duplicated in any way without the written permission of the Sheriff.

Uniform items will be replaced whenever they are found to be worn or damaged. The replacement of uniform and/or items will be at the discretion of the Supply Office. The equipment and uniform must never detract from the appearance of personnel. Each Deputy will bear responsibility for the appearance of their uniforms and equipment.

#### 10.004 RETURN OF UNIFORMS AND EQUIPMENT:

Upon separation from the Department, each member shall surrender all Department items, regardless of condition, to the Commander of Administration.

#### 10.005 PERSONALLY OWNED EQUIPMENT:

Personally owned equipment utilized in lieu of Department issued equipment shall conform to the standards of Department equipment. Such items may be carried or worn only with the prior approval of the Sheriff.

Each badge and cap piece shall contain the Great Seal of the State of Missouri. While in uniform, members of the Department shall keep their badges in sight and display them immediately above the left breast pocket of the shirt, jacket or other outer garment.

Insignia designating rank above the grade of Sergeant shall be worn on the shoulder of the shirt, jacket, or overcoat.

When insignia of rank is worn on the shoulder it will always be on the large size, with the outer edge of the insignia located one (1) inch from the seam of the shoulder and centered between the front and rear edge of the epaulet.

The S.D. emblem will be worn on the shirt collar by all ranks. Only Deputies having completed academy training will be entitled to wear the S.D.

#### 10.006 RECALL OF IDENTIFICATION CARD:

The Commander of Administration shall be responsible for the issuance, replacement, and updating of Identification cards.

Identification cards are Department property and shall be surrendered to Administration upon separation, retirement, expiration, suspension or upon demand of the Sheriff. The Sheriff retains the right to modify or waive any portion of this policy at his discretion.

## **SECTION 11.000**

### **EMERGENCY MEDICAL TREATMENT**

#### **11.001 PROCEDURES:**

In the event of injury requiring medical treatment and/or hospitalization of a Deputy, the injured party will be transported to the area hospital or trauma center of his/her choice. In the event of an extreme emergency, or the Deputy is incapable of making a choice, it will be the policy of the Department to transport him/her to the nearest hospital.

#### **11.002 HIV/AIDS TESTING:**

It shall be the policy of the Sheriff's Department that when a Deputy is injured in any fracas with a prisoner, and the Deputy's skin is broken in any manner, i.e. cut, bite, abrasion, etc., and blood, saliva or other body fluids of the prisoner that may have entered the Deputy's bloodstream, it will be requested from the Court that an Order be issued for an AIDS test on the prisoner. Any Department employee exposed to, and who suffers from the above conditions, will be tested at the expense of the Sheriff's Department.

## **SECTION 12.000**

### **DISCIPLINE AND DEPARTMENT**

#### **12.001 PURPOSE:**

The purpose of this section Order is to establish a process for addressing and resolving problems within operating departments. Employees are free to seek resolution of problems without fear of discrimination, coercion, restraint, or reprisal.

***The grievance procedure is an extremely important process and properly utilized will facilitate open and continuous communication.***

#### **12.002 MATTERS THAT MAY BE GRIEVED PURSUANT TO THIS POLICY:**

Employee problems which may arise are endless in their variety; however, the following are the types of employee(s) problems which may in some cases be addressed by this Procedural Order.

- A. The physical environment in which the employee works;
- B. Working conditions on the specific job (for example, dangerous methods, inadequate tools, etc.);
- C. Relationships with fellow employees (for example, a fellow employee who allegedly shirks his/her share of the work; a superior who is allegedly unfair, inconsiderate, or who allegedly singles out the employee for humiliation or undeserved censure; or a group of employees which is allegedly affecting the employee in an unfair or illegal manner);
- D. The fairness and consistency with which department regulations are applied to the employee(s).

The above list is not exhaustive but rather gives examples of possible issues that may be grieved. No grievance matter should be brought to the Sheriff of the City of St. Louis without following this procedure. This policy may be modified or waived by the Sheriff at his discretion.

12.003 MATTERS NOT TO BE HANDLED BY THIS PROCEDURE:

Any grievance or problem that does not fall into the categories described in 12.002 above must be addressed through established procedures in the Sheriff's Policy and Procedural Orders, Rules and Regulations of the Department, State and Federal Statutes. The Sheriff or the Chief of Staff will be the final authority in determining whether or not a particular employment issue is appropriate for the formal grievance procedure. Following are some examples of issues that are **not appropriate** for the formal grievance procedure:

- A. Employment discipline and status, including dismissal, demotions, layoffs, suspensions, reductions in pay, written reprimands, and denial of leave;
- B. Service Ratings;
- C. Examinations;
- D. Benefits established by Laws;
- E. Classification of positions (pay grades);
- F. Equal Employment Opportunity & Harassment Compliance;
- G. Management decisions involving organizational structure of the employee's department;
- H. Promotions;

12.004 DOCUMENTATION:

The Sheriff and/or the Chief of Staff to the Sheriff will be responsible for maintaining all documentation relative to the grievance and the investigation. Failure to submit documentation may result in adverse action.

12.005 PROCESS:

- A. An employee or group of employees who believes they have been aggrieved should first go to their immediate supervisor and discuss the problem. If



the employee believes that the problem has not been resolved, and he or she wishes to continue with their grievance, he or she may ask his/her supervisor, Commander, or the Chief of Staff to the Sheriff, for an Employee Grievance Procedure Form.

B. An employee who believes he or she has been aggrieved and is not satisfied with the Supervisor's decision must submit the grievance within fifteen (15) calendar days of the action and/or event which is the subject of the grievance on an Employee Grievance Procedure Form to the Sheriff's Chief of Staff and provide his/her Unit Commander with a copy.

C. Within fifteen (15) calendar days of receipt of such grievances, the Unit Commander will investigate the complaint, which may include submissions from the aggrieved employee's supervisor and/or co-workers, and submit his/her resolution of the problem in writing to the employee(s) and the Sheriff's Chief of Staff.

D. If the employee feels the problem has not been resolved by his/her Unit Commander, the employee may within fifteen (15) calendar days of receiving the decision, appeal to the Sheriff.

E. The Sheriff will, within fifteen (15) calendar days of receipt of the Employee Grievance Procedure Form, thoroughly review and/or investigate the grievance, including reviewing all documentation and make a decision and notify all parties concerned or direct his Chief of Staff to appoint a three-member Employee Grievance Committee. The Sheriff may designate his Chief of Staff to conduct the review and/or investigation and make a recommendation.

F. The Employee Grievance Committee shall consist of a member of the Sheriff's administrative staff, who will be chairperson, a supervisor from a unit other than the employee's unit, and a Deputy Sheriff not assigned to the same unit as the filing party. The Chief of Staff to the Sheriff will maintain a list of commanders, supervisors, and Deputy Sheriffs who are available to participate on the committee.

G. The employee may have a representative of his/her choosing present

at the hearing. If the representative is an employee, the employee representative must obtain permission from his/her Supervisor and Commander to be away from the work site. No attorney can represent the employee or management before the Employee Grievance Committee. Any party involved can request to call witnesses to testify in his/her behalf by making such a request in writing at least five (5) calendar days in advance of the hearing to the Chief of Staff to the Sheriff. The Employee Grievance Committee will review all the records of the case and hold an informal hearing as soon as possible, but no later than fifteen (15) calendar days of receipt of the grievance. The committee will notify the Sheriff of its recommendation in writing within fifteen (15) calendar days of the completion of the hearing.

H. After receipt of the recommendation of the Employee Grievance Committee, the Sheriff will review the recommendations and either adopt, reject or modify the recommendations and notify all parties concerned, including the Grievance Committee Members, of his decision within fifteen (15) calendar days.

I. Time Limits

Any of the time frames established in this regulation can be extended by mutual agreement of all parties concerned or the Sheriff or the Chief of Staff to the Sheriff as required by the circumstances.

Failure of management to meet the timeframes specified in the policy shall allow the employee to move to the next step of the process. For instance, if the employee did not receive a written response from his/her Supervisor's Commander within fifteen (15) calendar days, the employee could appeal to the Unit Commander. If the Unit Commander did not notify the employee in writing of his/her decision within fifteen (15) calendar days of his/her decision, the employee could appeal to the Sheriff.

If the employee failed to submit the grievance to his/her Supervisor, appeal the Supervisor's decision, or appeal the Unit Commander's decision within the time frames specified in this policy, the employee forfeits the right to grieve.

J. The original copy of the Employee Grievance Procedure Form, a copy of the Grievance Committee's written recommendation (where applicable), and a copy of the Sheriff's final decision will be placed in the employee's personnel folder.

## **SHERIFF OF ST. LOUIS**

### **EMPLOYEE GRIEVANCE PROCEDURE FORM**

Employees must complete an Employee Grievance Procedure Form to grieve problems not addressed through other procedures.

Attach additional sheets when necessary. DO NOT submit this form to address service ratings; examinations; benefits established by ordinance; classification of positions; equal employment opportunity complaints; or employment status including dismissals, demotions, layoffs, suspensions, reductions in pay, docks and denial of leave.

An employee should first discuss the problem with his/her immediate supervisor. If the employee believes the problem has not been resolved by a discussion with his/her immediate supervisor, the following steps must be followed:

**Step 1:**

This form must be completed and submitted to the Sheriff's Chief of Staff within fifteen (15) calendar days of the date of the most recent occurrence of the problem. You must provide a copy of this form to your Unit Commander.

Your Unit Commander is required to submit to you and the Sheriff's Chief of Staff his/her determination and resolution of your grievance on this form within fifteen (15) calendar days.

**Step 2:**

If you believe your grievance has not been resolved by your Unit Commander, you may appeal to the Sheriff within fifteen (15) calendar days of receipt of your Unit Commander's determination and resolution.

Complete Step 2 on reverse side of this form and submit this form to the Sheriff's Chief of Staff.

For additional information see Sheriff's Department Grievance Procedure.

Questions should be referred to the Chief of Staff of the Sheriff.

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_ Rank Title: \_\_\_\_\_

STEP 1 - Problem:

Suggested Remedy:

Employee's Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

*Forward original to the Sheriff's Chief of Staff and deliver a copy to your Unit Commander. Employee should keep a copy of this form.*

**Unit Commander Determination:**

Unit Commander \_\_\_\_\_

Date: \_\_\_\_\_

Copies forwarded to employee and the Sheriff's Chief of Staff on (date) \_\_\_\_\_

**STEP 3 - Appeal to Sheriff or his designee I wish to appeal my department  
Commander's decision.**

**Reason for Appeal:**

**Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

*Forward copy to the Sheriff's Chief of Staff.*

## SECTION 13.000

### INTRA-DEPARTMENT COMMUNICATIONS

#### 13.001 POLICY

This section sets policy regarding communications between fellow employees, sections and Units, and between the Sheriff and employees.

Open channels of communication must exist between all persons within the Department. Effective oral and written communication between all department personnel promotes a more efficient operation as well as a sharing of other's viewpoints. To enhance the communication process, the Sheriff may conduct regular meetings as outlined in Section 13.002.

#### 13.002 PROCEDURES:

The Chief of Staff shall oversee implementation of the following avenues of communication:

- A. Staff meetings shall be called by the Sheriff when deemed necessary.
- B. Attendees shall include the Chief of Staff, Section Commanders, and other persons as designated by the Sheriff.
- C. Each person present shall participate by presenting a brief verbal status report relative to the operation of his/her Section or Unit, and describe any accomplishments, suggestions or unusual problems occurring since the last meeting.
- D. The Sheriff shall discuss policy/procedure changes and directives which may be of general interest to the group.

#### 13.003 SECTION COMMANDERS MEETINGS:

Section Commanders shall hold monthly meetings at a time he/she so designates, to discuss operations and performance. A written agenda of items discussed, as well as any suggestions relating thereto shall be forwarded to the Sheriff for review.

#### 13.004 PERSONAL MEETINGS WITH THE SHERIFF:

Any member of the Department may schedule a meeting with the Sheriff regarding problems of a personal nature or of work related issues.



Problems dealing with the work place need to be resolved within the Chain-of-Command, and every effort should be made to do so.

#### 13.005 MEMORANDUMS, PROCEDURES & NOTICES:

There shall be established a standard definition and format for Memorandums, Procedural Orders and Notices to provide direction for proper preparation, issuance and distribution.

1. Announce policy and procedure that are of a temporary and self-cancelling nature.
2. Announce policy and procedure which have applicability only to a specific Section, Unit, or activity of the Department.
3. Provide for the distribution of significant articles and communications of value to all personnel or to specific Sections or Units.

#### 13.006 DEFINITIONS:

As used in this Manual the following definitions shall apply:

##### PROCEDURAL ORDER:

Procedural Orders shall be issued for the purpose of announcing the adoption or revision of procedures applicable throughout the Department.

##### MEMORANDUM:

Memorandums shall be issued to announce or authorize new appointments, assignments, transfers, commendations, awards, promotions or restoration to duty.

##### NOTICES:

Department Notices will announce policy and procedure in regard to a specific circumstance or events.

#### 13.007 PROCEDURAL ORDER MANUAL:

Procedural Orders shall be issued only under the authorization of the Sheriff. Procedural Orders and Notices, currently in effect will be retained in the Department Manual in the Procedural Orders Section.

Deputies shall be held responsible for the retention of all Procedural Orders issued to them. Individual Manuals are subject to inspection upon demand.

Failure of Deputies to properly maintain Procedural Orders are subject to Disciplinary Action.

Procedural Orders issued from time to time by the Sheriff of the City of St. Louis shall have the same force and effect as the rules and regulations in the Sheriff's Department Manual. Procedural Orders must be complied with by all personnel.

A Master set of Procedural Orders shall be maintained in the Office of the Sheriff. Request for Procedural Order(s) shall only be made in Memorandum form to the Chief of Staff.

#### 13.008 ISSUANCE:

Every employee of the Department shall be issued a copy of the Department Manual containing Rules, Regulations, and, as published, Procedural Orders.

Each individual shall relinquish possession of their manual copy on request, or when terminating their employment. Deputies unable to produce their Manual upon request will defray the cost for its replacement.

## SECTION 14.000

### NEWS MEDIA AND PUBLIC RELATIONS

#### 14.001 PURPOSE

The purpose of this section is to describe the circumstances under which Sheriff's Department personnel may come into contact with news media of public groups, what access to Department information these groups are given, and who is to provide information pertaining to Department operations and/or incidents within the Department or involving Department personnel which may arouse public or media attention.

It is the policy of the Sheriff's Department to make known to the public through the news media, or through public groups and individuals, information pertaining to Department operations. Consideration will be given to confidentiality and the welfare of any employee, or his/her family, as appropriate.

#### 14.002 POLICY:

All employees shall strive to maintain integrity and credibility with those persons and organizations legitimately involved with the Department. This policy endorses public information that encourages a better understanding of Department goals.

#### 14.003 PRESS RELATIONS:

Accredited members of the press and radio/TV news media generally are entitled to information.

Department personnel shall cooperate with Media News people by courteously directing them to the office of the Sheriff for the requested information. Violation of this regulation will result in disciplinary action.

#### 14.004 SPOKESPERSON:

To ensure accuracy and consistency of information given, the Sheriff and/or his designee shall be the sole spokesperson for public information, on-screen interviews or reactions to events. The Sheriff or his designated representative is the sole source of news releases and/or prepared statements on personnel and events within the entire Department.

#### 14.005 INFORMATION REPORTING

Department personnel having knowledge of/or information regarding a criminal act, a disciplinary problem or accidental incident involving either themselves and/or co-worker, shall promptly – before the completion of the shift forward such information to the office of the Sheriff. For this purpose the Deputy shall utilize an “Incident Report” form.

Members of the Department furnishing information shall report accurately the details of the incident.

#### 14.006 MOVIE MAKERS, BROADCASTERS, WRITERS:

Use of Department facilities equipment, or personnel is prohibited for the filming of any motion picture, videos, radio, and television programs, or the writing of newspaper/magazine articles, without the expressed consent of the Sheriff.

## SECTION 15.000

### EMPLOYEE BENEFITS

#### 15.001 Purpose:

The Sheriff of the City of St. Louis recognizes that a strong Benefits Program provides security and motivates job performance for its employees. In its effort to attract qualified people, it is the aim of the Sheriff's Department to review its Benefits Program from time to time. In this way present employees, and future employees, can evaluate the entire Benefits Program.

#### 15.002 Benefits Program:

##### A. Uniforms and Equipment:

- a. Uniforms issued to an employee at the time of hire, consist of a jacket, shirts, pants, and tie. Depending on inventory, the amount of articles issued, or replaced will vary from time to time. The Administrative Commander, Quartermaster, administers the issuance and condemning of all Uniform articles.
- b. Equipment issued to an employee at the time of hire, consist of holster, badges, handcuffs, firearm, manual and ID card. This equipment will be issued by the Administrative Commander. The same procedures apply to Equipment as Uniforms.

##### B. Vacations:

Vacations are formulated by the years of service an employee has with the St. Louis City Sheriff's Department.

Vacation time will accrue as follows: two (2) weeks after the first year of the service, three (3) weeks after the fifth year of service, four (4) weeks after the tenth year of service, and five (5) weeks after the fifteenth year of service.

A Deputy that celebrates one of the above anniversary dates in the upcoming year that they are choosing vacation for, must schedule the newly accrued vacation week after their date of appointment.

Vacation selections will occur in November and December of each year for the following year. The Commander of each unit will be issued a set of guidelines for each unit that will serve as the rules for making your vacation selections.

Holidays: Any holiday that falls in a deputy's vacation time off may be taken the Friday before or the Monday after the week of vacation or it may be turned into Comp-time but only with the approval of their supervisor. If a deputy schedules a week of vacation during a holiday and the court closes another day that week in observance of that same holiday the deputy will only receive credit of eight (8) hours straight time for the holiday and not the additional day off.

#### Vacation Change Request:

Vacation change request forms will be completed if a deputy wishes to change a week of vacation that has already been scheduled. A deputy must fill out the request form and have it approved by the Lieutenant, Captain and the Major of their unit before any changes can be made to the deputy's vacation schedule.

#### Vacation Leave Request:

Vacation leave may be taken in four (4) hour increments and up to thirty-two (32) hours total in a week. This request is used for vacation time that is not a complete week and must be approved by the deputy's supervisor and the Sheriff prior to scheduling this time.

#### C. Compensatory Time:

All Deputies, up to and including Sergeants are eligible to earn Compensatory Time (C.T.).

Compensatory Time is allotted after an employee concludes his regularly scheduled forty (40) hours of work in a week with the approval of your supervisor. Once an employee surpasses forty (40) hours of work in a week they will receive compensatory time at the rate of one (1) and one half ( $\frac{1}{2}$ ) times.

It is the goal of the Sheriff's department to keep the number of banked hours below 240 hours, but the maximum amount of hours that can be banked by law is 480 hours. If a deputy approaches the maximum number of 480 hours the deputy will be required to take time off to lower the number of hours in their bank to the be within the acceptable goal range. Lieutenants, Captains and Majors are responsible for ensuring that this rule is being enforced.

If a deputy uses medical time off during a week, and works over another day that week, compensatory time will be granted at straight time only, until all of the medical time off has been surpassed and the deputy meets the regularly scheduled 40 hour work week rule.

#### USAGE OF COMPENSATORY TIME:

Requests for time off using Compensatory Time should be made as far in advance as possible, 30 days if possible to ensure the request is granted. Requests will be granted at the supervisor's discretion as long as it does not disrupt the normal daily operation of the department. If a supervisor does not respond to the request, it is the deputy's responsibility to follow up and ensure that the request was received and considered. A Supervisor will grant, in most circumstances, a request for a day(s) leave.

It is the responsibility of the deputy for ensuring that they have sufficient Compensatory Time to cover the requested leave. If there is insufficient Compensatory Time to cover the requested leave and the request was approved, the deputy's paycheck will be docked for the time they were short. If the court closes early or closes for some unforeseen reason and a deputy is on Compensatory Time the deputy will not receive any credit for that day.

#### Emergency Compensatory Time:

Only a Captain or above may grant emergency compensatory time requests on short notice.

## **Agreement to accept compensatory time-off in lieu of overtime pay.**

In accordance with the provisions of the Fair Labor Standards Act and the St. Louis Sheriff's Department policy, non-exempt employees are allowed, with the approval of their supervisor, to accrue compensatory time off work instead of receiving payment for overtime hours worked. I understand that I will accrue compensatory time at the rate of one (1) and one-half (.50) hours for each overtime hour worked past forty (40) hours in a work week.

I further understand that compensatory time may be accrued up to the maximum cap of 480 hours that may be banked by law. The Sheriff's Department may establish a lower cap and must be used or paid in accordance with department policy and the law. I also understand that compensatory time may be limited, preserved, used or cashed out consistent with the provisions of the Sheriff's Department policy and the law. Occasional cash payment of overtime hours does not negate the compensatory time agreement.

I understand that it is the sole responsibility of the department to monitor and maintain records of my accrued and used compensatory time. I understand that if I would retire, resign or be terminated from my position, the department is responsible for arranging for me to use or be paid the balance of my accrued compensatory time upon separation from the Sheriff's department.

I understand that this agreement is in effect during my employment at the Sheriff's Department.

### **Employee**

Name: (Print) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Payroll Supervisor**

Name: (Print) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



#### ADMINISTRATIVE DAYS:

In lieu of Compensatory Time, Commanders with the rank of Lieutenant and above are granted four (4) days yearly for administrative purposes. Each quarter the commanders will accrue one (1) day to be used within that same quarter. These days are not to be accumulated without the written consent of the Sheriff.

#### D. MEDICAL TIME:

All department employees earn medical time at a rate of four (4) hours per pay period. Medical time accumulates without a limit on the number of hours that can be accrued. Whenever possible employees should attempt to schedule routine medical appointments at the beginning or end of the workday, or in a manner that causes the least disruption to the departments operations. All new hire employees cannot use medical time for the first six (6) months.

##### 1. Calling in Sick:

Any deputy calling in sick for the Day shift must call the sick line one (1) hour prior to the shift beginning at 314-622-4607 and report the illness, then notify the immediate supervisor and advise them of the illness. Evening and Night shift employees must contact their immediate supervisor or unit commander one (1) hour prior to the start of their shift. For unscheduled absences of more than one day, you must follow the call-in procedure for each day of absence, unless medical documentation has been submitted informing the supervisor of the duration of your absence.

No voicemail messages will be accepted for sick leave notification. The deputy must speak directly to the supervisor. Failure to follow the call-in procedure as set out by this policy could result in the time being deemed as unauthorized leave without pay, and subject to discipline, up to and including dismissal from employment.

##### 2. Medical Time Usage:

- a. Any deputy calling in sick more than two (2) consecutive working days will be required to have a doctor's excuse upon returning to work. A deputy

- who calls in sick the day before or the day after a scheduled holiday will be required to have a doctor's excuse.
- b. Failure to submit medical verification as directed may result in the time being deemed as an unauthorized leave without pay, and subject to discipline, up to and including dismissal from employment.
  - c. Any employee that has called in sick for the day at the department must remain at their place of residence except for a trip to see the doctor or to the pharmacy and the employee must notify their supervisor and advise them when they leave and upon their return.
  - d. If a deputy becomes hospitalized for any medical reason, you are exempt from calling in during your time in the hospital. Once you are released from the hospital you are to contact your supervisor once a week and advise them on your status and projected date of return to duty per your doctor's orders. All efforts should be taken to notify the department that you are in the hospital if possible.
  - e. If a deputy uses more than eight (8) days or sixty-four (64) hours in a calendar year of medical time, absent hospitalization or serious illness or injury the deputy will be deemed as having excessive absenteeism and will be placed on probation for attendance and required to have a doctor's excuse for any use of medical time off. The probation period will be for six (6) months and reviewed by your supervisor before the end of the probation period for evaluation of your attendance. A copy of this write-up will be placed in the deputy's employment file for future reference. Further use of medical time once placed on probation could result in further disciplinary actions.

### 3. Donating Medical Time:

Any employee wishing to donate medical time to another employee in the department must maintain a minimum balance of thirty (30) days or two hundred and forty (240) hours of medical time in their bank. If an employee has more than

this amount and wishes to donate time they may do so once it has been approved by the Sheriff.

The employee must be under a doctor's order that prevents them from working and have exhausted all of their time which includes vacation and compensatory time and in jeopardy of losing their medical coverage if they don't receive the time.

All employees must accrue at least one day pay per pay period to maintain health insurance. The unit supervisor of the employee is to prepare a memo that is to be read at roll call and posted in the break rooms that states a co-worker is in need of medical time donations.

Employees are restricted from soliciting or coercing the donation of medical time. All donations are strictly voluntary.

#### 4. Light Duty:

Light duty is strictly reserved for an employee injured at work, a line of duty injury. Any employee that sustains a line of duty injury will be accommodated with working restrictions as best as possible while under a doctor's orders until the employee is returned to full duty with a doctor's release.

#### E. Maternity Leave:

Maternity leave of four (4) months is granted only after an employee has been employed for six (6) months. Any time past the normal four (4) months will require a doctor's statement with a projected date of return to duty. When returning to duty, the employee will be required to have a statement from the doctor that releases them for full duty.

While on maternity leave an employee may use all of their accrued time of medical, vacation or compensatory time as they wish. If the time is exhausted prior to the employee's return to work they will not be paid.

#### F. Military Leave:

Pursuant to the Revised Statutes of Missouri (RSMO) Chapter 105.270 and the Uniformed Services Employment and Reemployment Act (USERRA) all

employees that are members of the Reserves and National Guard shall be afforded these rights.

1. Notification: Any employee with a pending military deployment will notify their supervisor of the date, time and anticipated length of said deployment as soon as possible. The employee or their supervisor will prepare a Military Leave Request Form and submit it through the chain of command.
2. The request form will contain the name, title and phone number of the military official that can be contacted to verify the employee's deployment. The employee's supervisor will make all necessary adjustments to the departmental schedule to accommodate this leave.
3. Before leave and upon Return from Leave: All employees are to be excused from work for at least eight (8) hours prior to reporting for military drill or deployment. Upon returning from drill or deployment, the employee will be given at least eight (8) hours before being scheduled to return to duty. A longer transitional period may be granted for employees that have been gone more than the normal two week period when practical.
4. Vacation/Compensatory and Sick Time: An employee called to military duty that cannot be accommodated by their regularly scheduled recreation days may, at their discretion, use accumulated vacation and or compensatory time to defray the time of their deployment until such credits are exhausted.
5. Sick Time: Departmental sick time cannot be used while on active duty with the military. Sick time benefits will not accrue while on leave unless they are using time as stated in the section above by using vacation or compensatory time to accommodate the leave.
6. Seniority: An employee will continue to accrue departmental seniority while on military leave. Seniority earned while on military leave will count towards retirement.

7. Returning to Duty: Employees returning to duty from military leave will report to their supervisors as soon as practical. Employees returning to duty from deployments in excess of thirty-one (31) days will submit a copy of their military orders upon return, unless they have previously submitted a copy prior to leave and it covers all the time the employee was on leave.

G. Death Furlough:

A maximum of three (3) days will be granted upon death of a Parent, Step-Parent, Spouse, Father-in-Law, Mother-in-Law, Child, Brother, Sister, Brother-in-Law, Sister-in-Law, Foster-Parents or Grandparent or Grandchild.

If you are off on vacation, compensatory time, holiday or your regularly scheduled days off at the time of the funeral, time will not be given, unless the Sheriff approves it.

Funeral Leave cannot be granted without proper verification. A death furlough request form must be submitted before the leave, or when returning to duty.

H. Holidays:

Each employee receives twelve (12) paid Holidays yearly. Additional holidays can be granted as directed by the Twenty Second Judicial Circuit.

FAMILY MEDICAL LEAVE ACT (FMLA)

On the following page is the employee rights and responsibilities fact sheet from the Department of Labor about the Family Medical Leave Act. The leave request forms may be obtained from the payroll supervisor of the department. Any employee that needs assistance with filling out the FMLA forms should contact the payroll supervisor for assistance of the City of St. Louis Department of Personnel.

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:

- for the birth and care of the newborn child of an employee;
- for placement with the employee of a child for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

## SECTION 16.000

### COMPLAINT AND DISCIPLINARY PROCEDURES:

#### 16.001 PURPOSE

The purpose of this section is to establish the fair and impartial procedure that will be used in making a decision on a complaint and the disciplinary actions that could be imposed for any complaint filed against an employee of the City of St. Louis Sheriff's Office.

#### 16.02 POLICY

1. If an employee is found to have violated the rules and regulations of the department by a supervisor and the supervisor files a complaint with the Commander of that division against a subordinate, it will be the responsibility of the unit Commander to review and determine if the complaint should be forwarded to the Internal Affairs Unit for further investigation or disciplinary procedures.
2. If the unit Commander decides that the employee did not violate the rules and regulations, the Commander will prepare a memorandum to the supervisor who had filed the complaint stating the reason why the complaint was not filed with the Internal Affairs Unit, a copy of this memorandum will be given to the employee and the complaint will be deemed closed.
3. If the complaint is forwarded to the Internal Affairs Unit the employee will be notified of such complaint in writing and will be afforded the chance to respond to the pending allegation against them in a timely manner.
4. If a formal signed complaint is received by the Internal Affairs Unit against an employee, the employee will be notified in writing of the



pending allegation and will be afforded the opportunity to respond to the allegation in a timely manner.

#### 16.003 Disciplinary Actions:

1. Disciplinary actions are as follows: re-instruction, oral reprimand, written reprimand, probation, suspension or possible termination of employment. The disciplinary actions could be administered in any combination the Sheriff deems necessary.
2. If an employee is found to have violated the rules and regulations of the Sheriff's department, the Internal Affairs Unit will make a recommendation of a disciplinary action that will be submitted to the Sheriff for his review. The Sheriff may at his discretion, accept the recommendation of the Internal Affairs Unit or he may impose an alternative disciplinary action. The final decision is up the Sheriff as to what disciplinary action will be taken, if any.
3. When the recommendation for discipline is written reprimand or below the Unit Commander of the employee will impose the discipline immediately and document the facts in the employee's personnel file which will become a permanent part of the employees personnel file.

Note: There is no appeal of a written reprimand or lower discipline.

4. When the recommendation for discipline is probation or greater which also includes termination of employment, the employee is afforded the option of accepting the discipline or appealing the recommendation to a Hearing Review Board.

#### 16.004 Accepting Discipline Process:

An employee may accept the recommendation of probation or suspension or a combination of the two. The employee will do so by signing the reprimand and submitting it to the Unit Commander, the Unit Commander will make a copy of the signed reprimand for the employee and forward the original to the Sheriff so that it



can be placed in the employees personnel file. The Unit Commander will administer the disciplinary actions as they see fit so not to disrupt the operations of the department and will advise the Sheriff in a memorandum once this is complete.

#### 16.005 Appeals Process:

When notified in writing of the findings by the Internal Affairs Unit and the recommendation for the discipline, an employee that wishes to appeal a recommendation of probation or a suspension must do so in writing to the Sheriff that states they are requesting a hearing with the Disciplinary Hearing Review Board within five (5) business days from receipt of their notice.

The three members of the Disciplinary Hearing Review Board will consist of a Command staff member who will serve as the Chairman of the Board, one member of a rank above the accused and one member of the same rank as the accused employee.

Members of the Hearing Board will be appointed by the Sheriff. Volunteers will be requested. No member of the Hearing Board can serve longer than six (6) months in a calendar year. No deputies from the Internal Affairs Unit can serve on the Hearing Board since they are presenting the findings in a case to the Hearing Board.

Once the Hearing Board has been notified that an employee is requesting a hearing they will set the date for the hearing within fifteen (15) days from the date of the request.

The Hearing Board may postpone a hearing, upon written request by the accused or the Department. The written request will be filed in the case for future reference. Each side will receive only one request for continuance, the continuances shall not exceed fifteen (15) days for each side.

The proceedings for the Hearing Board will be informal, all hearings will be recorded electronically for possible transcription if it were to become necessary at a later date.

The accused employee may have legal counsel present during the hearing. The Sheriff may also have legal counsel present during the hearing. Legal counsel for either party is only there as an observer and will not be afforded the chance to speak for any reason during the hearing. The Sheriff reserves the right to attend the Hearing, but only in the capacity as an observer.

The hearing will start with the Internal Affairs Unit presenting the facts of the case as they were presented to the Sheriff. This will include all supporting documents, evidence and witnesses, if any, to the incident. Next the accused will be afforded the opportunity to present their defense to the allegations that were presented and may call witnesses in support of their defense.

Once the hearing is concluded the Hearing Board shall meet in private and render their decision. At least two out of the three member Board must reach a decision in order for them to render a decision on whether to Sustain or Not Sustain a case. The Hearing Board shall submit a written report to the Sheriff stating their findings within five (5) business days after the hearing.

If sustained the Hearing Board may choose to uphold the recommended discipline or may choose to increase or decrease the discipline.

The accused employee will be notified in writing within seven (7) business days after the hearing was concluded of the Hearing Boards decision in the case.

The findings of the Disciplinary Hearing Review Board are final and there shall be no further appeal within the Sheriff's Office.

The Sheriff is not bound by the Hearing Boards recommendation and has the final decision in all matters of disciplinary actions.

The service record and records of former hearings will not be allowed to be reviewed by the Hearing Board unless the accused is charged with some form of a character charge or has had a previous charge of the same nature for the purpose of rendering a decision in a case. However, in assessing discipline in a Sustained case the Hearing Board may take into consideration the accused employee's service

record and any other disciplinary actions from previously Sustained cases only. This will be noted in the Hearing Board's recommendation and findings report given to the Sheriff.

If the accused employee fails to appear for a scheduled hearing after being properly notified, the hearing will proceed without the accused and the Hearing Board will make their decision based on the facts presented to them at that time. No other course of appeal will remain for the accused employee.

Termination Hearings will be conducted pursuant to Chapter 57 of the Revised Statutes of the State of Missouri, sections 57.015 and 57.275.